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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/612,696 07/02/2003		07/02/2003	Kathryn Ann Holtzworth		4410
37340	7590	04/06/2006	EXAMINER		INER
KATHRYN			ABBOTT, YVONNE RENEE		
43 INSPIRATIONAL DRIVE SEDONA, AZ 86336				ART UNIT	PAPER NUMBER
				3644	.

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
		10/612,696	HOLTZWORTH ET AL.		
	Office Action Summary	Examiner	Art Unit		
		Yvonne R. Abbott	3644		
Period fo	The MAILING DATE of this communication apport	pears on the cover sheet with the c	correspondence address		
A SH WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.1. SIX (6) MONTHS from the mailing date of this communication. In period for reply is specified above, the maximum statutory period or the toreply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tir will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	N. nely filed the mailing date of this communication. ED (35 U.S.C. § 133).		
Status					
2a)⊠	Responsive to communication(s) filed on <u>12 M</u> This action is FINAL . 2b) This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro			
Dispositi	ion of Claims				
5)□ 6)⊠ 7)□	Claim(s) <u>1-3</u> is/are pending in the application. 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) <u>1-3</u> is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/o				
Applicati	on Papers				
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) accomplicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Example 1.	epted or b) objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).		
Priority u	ınder 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application Nò. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachmen 1) Notice	t(s) e of References Cited (PTO-892)	4) ☐ Interview Summary	· (PTO-413)		
2) Notic 3) Inform	e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	Paper No(s)/Mail Da			

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Art Unit: 3644

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrase "such as" (line 7) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelby (4,796,304) in view of Garry et al. (5,611,084). Shelby discloses a vest comprising: a top see-through, mesh fabric panel (6,16); a bottom colored fabric panel (10,20) (col. 3, lines 8-10) communicating with said top panel at neck opening and outer edges in order to construct tunnel walls or pockets (1, 2, 3, 4, 2b, 4b, 11, 12, 13, 14, 11b, 12b, 13b, 14b) within said garment (col. 2, lines 8-21) wherein a small animal, reptile, insect, etc., is capable of being easily be observed, while providing adequate circulation and confinement while it is being transported and displayed; a means of releasable attachment (col.2 lines 59-61; col. 3, lines 4-7) of said top panel to bottom

panel to close a gap therebetween; a neck opening (5,15), said neck opening defined by the area in the center of the garment, creating a left front panel and right front panel to the garment; and wherein said means of releasable attachment provides a means of lateral translation of said left front panel in relation to said right front panel, whereby said neck opening may be adjusted for size by adjustment of said means of lateral translation of said left front panel in relation to said right front panel (col. 3, lines 4-7). Shelby discloses that the bottom panel may be made in any color for safety or aesthetic reasons, which is considered obvious to one of ordinary skill in the art to include a panel is a made of bright colors such as orange or red which are commonly used by hunter's for safety purposes as further taught by Garry et al.

Allowable Subject Matter

4. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne R. Abbott whose telephone number is (571) 272-6896. The examiner can normally be reached on Monday-Thursday 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (571) 272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yvonne R. Abbott Primary Examiner Art Unit 3644